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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,833	01/30/2002	Takashi Murata	MURATA ET AL-1	5693

7590

07/11/2003

COLLARD & ROE, P.C.
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EXAMINER

BOLDEN, ELIZABETH A

ART UNIT

PAPER NUMBER

1755

DATE MAILED: 07/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/059,833

Applicant(s)

MURATA ET AL.

Examiner

Elizabeth A. Bolden

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Any rejections and or objections, made in the previous Office Action, and not repeated below, are hereby withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miwa, U.S. Patent 5,851,939.

Miwa teaches an alkali free glass substrate having overlapping ranges of components with instant claims 1, 2, 7, 9, 10, and 13-15. See abstract of Miwa and column 4, lines 29-31. Miwa teaches overlapping ranges of density, erosion resistance and thermal strain (instant claims 1, 4, 5, 10, and 14 recitations). See column 1, lines 55-64, column 2, lines 46-50, and column 6 line 65 to column 7, line 11. Miwa teaches that the glass substrate is used for display technologies including LCD, EL displays, and polycrystalline silicon TFT. See column 1, lines 11-14 and 60-61.

Miwa fails to teach any anticipatory examples or compositional ranges and properties ranges sufficiently specific to anticipate the instant invention. However, Miwa teaches ranges of components and properties, which overlap the instant claims. Overlapping ranges have been held to establish *prima facie* obviousness. See MPEP 2144.05.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected from the overlapping portion of the ranges disclosed by the reference because overlapping ranges have been held to establish *prima facie* obviousness. See MPEP 2144.05.

The reference fails to teach the thermal expansion, liquidus temperature, and specific modulus properties of instant claims 1, 3, 6, 10, and 14, however, one of ordinary skill in the art would expect that a glass with overlapping compositional ranges would have the same thermal expansion, liquidus temperature, and specific modulus properties as recited in claims 1, 3, 6, 10, and 14.

As to claim 8, the recitation that the glass is formed by the “down-draw process” is a process recitation in a product claim. Product claims including process recitations are not limited by the manipulation of the recited steps, only the structure implied by the steps. See MPEP 2113. In the present instant, the process steps imply that the glass is in the form of a plate. The reference teaches such a product. See column 4, lines 60-61.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohli, U.S. Patent 6,060,168.

Kohli teaches an aluminosilicate glass having overlapping ranges of components with instant claims 1, 2, 7, 9, 10, and 13-15. See abstract of Kohli and column 2, lines 66-67. Kohli teaches overlapping ranges of density, strain point, thermal expansion coefficient, and liquidus temperature (instant claims 1, 3, 10, and 14 recitations). See column 2, lines 45-50 and 55-56, and column 3, lines 13-24, 30-35, and 55-62. Kohli teaches that the glass is used for display

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technologies including LCDs and polycrystalline silicon TFTs. See column 1, lines 8-10 and 39-44.

Kohli fails to teach any anticipatory examples or compositional ranges and properties ranges sufficiently specific to anticipate the instant invention. However, Kohli teaches ranges of components and properties, which overlap the instant claims. Overlapping ranges have been held to establish *prima facie* obviousness. See MPEP 2144.05.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected from the overlapping portion of the ranges disclosed by the reference because overlapping ranges have been held to establish *prima facie* obviousness. See MPEP 2144.05.

The reference fails to teach the erosion and specific modulus properties of instant claims 4-6, however, one of ordinary skill in the art would expect that a glass with overlapping compositional ranges would have the same erosion and specific modulus properties as recited in claims 4-6.

As to claim 8, the recitation that the glass is formed by the “down-draw process” is a process recitation in a product claim. Product claims including process recitations are not limited by the manipulation of the recited steps, only the structure implied by the steps. See MPEP 2113. In the present instant, the process steps imply that the glass is in the form of a plate. The reference teaches such a product. See column 3, lines 25-27.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lautenschlager et al., European Patent EP 1070681 A1.

This rejection is over the European patent because this reference qualifies as prior art under 35 U.S.C. 102(b). However, for convenience, the column and line numbers of the English language equivalent U.S. Patent No. US 6,465,381 B1 will be cited below.

Lautenschlager et al. teach an alkali-free aluminosilicate glass having overlapping ranges of components with instant claims 1, 2, 7, 9, 10, and 13-15. See abstract of Lautenschlager et al. and column 7, lines 25-27 and 39-41. Lautenschlager et al. teach overlapping ranges of density, strain point, and thermal expansion coefficient (instant claims 1, 10, and 14 recitations). See column 11, lines 41-54 and 64-65. Lautenschlager et al. teaches that the glass is used for display technologies including polycrystalline silicon TFTs. See column 1, lines 34-37.

Lautenschlager et al. fail to teach any anticipatory examples or compositional ranges and properties ranges sufficiently specific to anticipate the instant invention. However, Lautenschlager et al. teach ranges of components and properties, which overlap the instant claims. Overlapping ranges have been held to establish *prima facie* obviousness. See MPEP 2144.05.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected from the overlapping portion of the ranges disclosed by the reference because overlapping ranges have been held to establish *prima facie* obviousness. See MPEP 2144.05.

The reference fails to teach the erosion and specific modulus properties of instant claims 3-6, however, one of ordinary skill in the art would expect that a glass with overlapping compositional ranges would have the same liquidus temperature, erosion, and specific modulus properties as recited in claims 3-6.

As to claim 8, the recitation that the glass is formed by the “down-draw process” is a process recitation in a product claim. Product claims including process recitations are not limited by the manipulation of the recited steps, only the structure implied by the steps. See MPEP 2113. In the present instant, the process steps imply that the glass is in the form of a plate. The reference teaches such a product. See column 4, lines 59-62.

Response to Arguments

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Bolden whose telephone number is 703-305-0124.

The examiner can normally be reached on 8:30am to 6:00 pm with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Bell can be reached on 703-308-3823. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

EAB
June 30, 2003


DAVID SAMPLE
PRIMARY EXAMINER